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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/535,044	01/09/2006	Glenn P. Wampole SR.	CSA-2-PCT-US	2034	
44728	7590 06/06/2006		EXAM	EXAMINER	
J. BENNETT MULLINAX, LLC P. O. BOX 26029 GREENVILLE, SC 29616-1029		GREEN, ANTHONY J			
			ART UNIT	PAPER NUMBER	
			1755		
			DATE MAILED: 06/06/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

## Application No. Applicantiqs WAMPOLE, GLENN P.							
## Examiner ## Anthony J. Green ## 1755 ## MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. **Bread for these may be available under the provisions of 3 CFR 1.136(b). In no event, however, may a reply be trained by the mailing date of the provisions of 3 CFR 1.136(b). In no event, however, may a reply be trained for reply system the store extended period for reply will, by stanking period wall pays and we suppress (SMONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by stanking cause the application become ABANDONEO (SS U.S. C. § 130). ## Responsive to communication(s) filled on		Application No.	Applicant(s)				
Anthony J. Green 1755 Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER FROM THE MILLING DATE of 11ME or provided above, the maximum statutory patient will be provided by the Standard bring in a wealther under the provided of 3° CR (1 1 1 Mile). In no event, however, may a respit to similar date of this communication. - If NO period for reply is specified above, the maximum statutory patient will suggest SIX (8) MONTH'S from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory and of will apply and will expire SIX (8) MONTH'S from the mailing date of this communication. - Any reply accessed by the Office title than there membra after the mailing date of this communication, even if timely filed, may reduce any sented patient term adjustment. See 37 CR 1.764(b). Status 1)	Office Action Summers	10/535,044	WAMPOLE, GLENN P.				
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Estimation of this may be swilled under the proxisions of 37 CPR 1.13(b). In severun, however, may a reply be timely fited after SIX (6) MONTHS from the mailing date of this communication. Failure to right within the sort certained period for reply will, by status, cause the application to become ABADIONED GS U.S. C, § 133. Any reply received by the Office later than three months after the mailing date of this communication, even if smely filled, may reduce any seared patient term adjustment. See S7 CFR 1.704(b). Status 1)	Period for Reply	Dears on the cover sneet with the	correspondence address				
1) Responsive to communication(s) filed on	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any						
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.2.5 and 7-10 is/are pending in the application. 4a) Of the above claim(s) is/are evithdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of Partsperson's Patent Drawing Review (PTO-948) 3) Internation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 3) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application (PTO-152) 6) Other: 5) Notice of Informal Patent Application (PTO-152) 6) Other:	Status						
4)	2a) ☐ This action is FINAL . 2b) ☑ This 3) ☐ Since this application is in condition for alloward	action is non-final. nce except for formal matters, p					
4)	Disposition of Claims						
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- 194 949 (1967) Cities Action Summary Fait of Paper No. Main Date 20000001	1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 08/22/05. U.S. Patent and Trademark Office	Paper No(s)/Mail 5) Notice of Informal 6) Other:	Date				

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DETAILED ACTION

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Response to Amendment

1. The preliminary amendment has been entered. Claims 3-4, 6 and 11 have been canceled. Currently claims 1-2, 5 and 7-10 are pending.

Specification

2. The disclosure is objected to because of the following informalities: Applicant needs to correct the continuity data found in the specification.

Appropriate correction is required.

Claim Objections

3. Claim 2 is objected to because of the following informalities: The claim does not end in a period which is required. Appropriate correction is required.

Claim Rejections - 35 USC § 112

- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 5. Claims 5, 7 and 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 is confusing as it recites that the solution further comprises iodic acid, a periodic acid or a combination thereof and therefor it is unclear as to how the acids can be an additional component.

Claim 7 is vague and indefinite as it contains improper Markush terminology as the phrase "selected from the steps comprising" should be -- selected from the group consisting of --.

In claim 9 the phrase "an effective amount" is vague and indefinite as it is unclear as to what the amount is effective for. Is it an effective stabilizing amount or what? The phrase "formed by the reaction of" is confusing as it is unclear as to what the periodic acid is reacted with. Clarification is requested.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Omum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-2, 5 and 7-10 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,537,357. Although the conflicting claims are not identical, they are not patentably distinct from each other because the reduction to practice of the claims of the prior patent would render obvious the instant claims.

The instant claims are encompassed by the scope of the claims of the prior patent.

Information Disclosure Statement

8. The remaining references cited have been reviewed by the examiner and are considered to be cumulative to or less relevant than the prior art references relied upon in the above rejections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Green whose telephone number is 571-272-1367. The examiner can normally be reached on Monday-Thursday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anthony J. Øreen Primary Examiner Art Unit 1755

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ajg June 01, 2006